

REMARKS/ARGUMENTS

The present paper is submitted in response to the final Office Action of September 26, 2006. At that time, claims 1-6, 8-16, and 18-27 were pending in the application. Claims 28-39 remain withdrawn as a result of a previous restriction requirement. In the Office Action, the Examiner rejected claims 21-27 under 35 U.S.C. § 112, second paragraph. Claims 1, 4-6, and 8-10 were rejected under were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,687,987 issued to Spencer et al. (hereinafter “Spencer”). Claims 1-6, 8-10, and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,951,038 issued to Taguchi et al (hereinafter “Taguchi”) in view of Spencer. Claims 1, 4-6, 8-11, 14-16 and 18-20 were rejected under § 103(a) as being unpatentable over JP 7-117605 to Kiyoshi (hereinafter “Kiyoshi”) in view of Spencer. Claims 12, 13, and 21-27 were rejected under § 103(a) as being unpatentable over Kiyoshi in view of Spencer and Taguchi.

By this paper, Applicants respond to these rejections. Favorable consideration and allowance of the claims is respectfully requested.

I. Rejection of Claims 21-27 Under § 112

The Examiner rejected claims 21-27 under § 112, second paragraph based upon some errors in the language of claim 21. As a result of this paper, these claims have been amended to address these issues. Specifically, claim 21 has been amended to provide antecedent basis for the term “airbag inflator.” Further, claims 21-27 have been amended to clarify that these claims relate to an airbag module that includes an “airbag cushion” and a “diffuser sleeve.” Favorable consideration is respectfully requested.

II. Rejection of Claims 1, 4-6, and 8-10 Under 35 U.S.C. §102(b)

The Examiner rejected claims 1, 4-6, and 8-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. Spencer. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaa Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.*

(citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that the claims at issue are patentably distinct from Spencer because Spencer does not disclose all of the elements in these claims. With respect to independent claim 1, this claim has been amended to recite that “the first and second sleeve walls contact each other on the interior of the airbag cushion.” Support for this claim element is found throughout Applicant’s specification, including in Figures 1A through Figure 3.

Such a claim element is not disclosed by Spencer. Rather, to the extent that Spencer’s “arms” 84 contact each other, Spencer clearly teaches that such contact is made outside of the airbag cushion. *See e.g.*, Figure 4. Such teaching is exactly opposite of claim 1 which requires that the sleeves contact each other on the interior of the airbag cushion.

Accordingly, because Spencer fails to disclose all of the elements of claim 1, this reference cannot be used to anticipate claim 1 under § 102(b). Withdrawal of this rejection is respectfully requested.

With respect to claims dependent claims 4-6 and 8-10, these claims all depend from claim 1. Accordingly, these claims are patentable over Spencer for the same reasons as put forth in conjunction with claim 1. Withdrawal of these rejections is respectfully requested.

III. Rejection of Claims 1-6, 8-10, and 21-26 Under 35 U.S.C. §103(a)

The Examiner rejected 1-6, 8-10, and 21-26 under § 103(a) as being unpatentable over Taguchi in view of Spencer. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the elements in these claims. Specifically, independent claims 1 and 21 have been amended to recite that “the first and second sleeve walls contact each other on the interior of the airbag cushion.” As described above, this claim element is not taught or suggested by Spencer. Likewise, Applicant cannot find any teaching or suggestion in Taguchi regarding this claim element. Accordingly, as this combination of references fails to teach all of the claim elements, this combination of references cannot be used to reject independent claims 1 and 21. Withdrawal of this rejection is respectfully requested.

With respect to claims 2-6 and 8-10, these claims all depend, directly or indirectly, from claim 1. Accordingly, these claims are patentable over Spencer for the same reasons as put forth in conjunction with claim 1. Withdrawal of these rejections is respectfully requested.

With respect to claims 22-26, these claims all depend, directly or indirectly, from claim 21. Accordingly, these claims are patentable over Spencer for the same reasons as put forth in conjunction with claim 21. Withdrawal of these rejections is respectfully requested.

IV. Rejection of Claims 1, 4-6, 8-11, 14-16, and 18-20 Under 35 U.S.C. §103(a)

The Examiner rejected claims 1, 4-6, 8-11, 14-16, and 18-20 under § 103(a) as being unpatentable over Kiyoshi in view of Spencer. This rejection is respectfully traversed.

As noted above, claims cannot be rejected under § 103(a) unless each of the claim elements are taught or suggested by the cited references. As noted above, independent claims 1 and 11 have been amended to recite that “the first and second sleeve walls contact each other on the interior of the airbag cushion.” As described above, this claim element is not taught or suggested by Spencer. Likewise, Applicant cannot find any teaching or suggestion in Kiyoshi

regarding this claim element. Accordingly, as this combination of references fails to teach all of the claim elements, this combination of references cannot be used to reject independent claims 1 and 11. Withdrawal of these rejections is respectfully requested.

With respect to claims 4-6 and 8-10, these claims all depend, directly or indirectly, from claim 1. Accordingly, these claims are patentable over Spencer for the same reasons as put forth in conjunction with claim 1. Withdrawal of these rejections is respectfully requested.

With respect to claims 14-16 and 18-20, these claims all depend, directly or indirectly, from claim 11. Accordingly, these claims are patentable over Spencer for the same reasons as put forth in conjunction with claim 11. Withdrawal of these rejections is respectfully requested.

V. Rejection of Claims 12, 13, and 21-27 Under 35 U.S.C. §103(a)

The Examiner rejected claims under § 103(a) as being unpatentable over Kiyoshi in view of Spencer and Taguchi. This rejection is respectfully traversed.


As noted above, claims cannot be rejected under § 103(a) unless each of the claim elements are taught or suggested by the cited references. As a result of the present paper, claims 12, 13, and 21-27 all require that “the first and second sleeve walls contact each other on the interior of the airbag cushion.” As described above, this claim element is not taught or suggested by Spencer or Taguchi. Likewise, Applicant cannot find any teaching or suggestion in Kiyoshi regarding this claim element. Accordingly, as this combination of references fails to teach all of the claim elements, this combination of references cannot be used to reject claims 12, 13, and 21-27. Withdrawal of these rejections is respectfully requested.

VI. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Also, Applicant submits that the present paper places this application in a condition for allowance, and thus, this paper should be entered. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Respectfully submitted,



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